

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case Number: 10-20679
Honorable Thomas L. Ludington

WESLEY T. NASH,

Defendant.

ORDER DENYING MOTION TO OBTAIN SENTENCING TRANSCRIPTS

Now before the Court is Defendant Wesley Nash's motion to obtain sentencing transcripts (ECF No. 29), requesting that the Court send his sentencing transcripts because his court-appointed attorney has been non-responsive to his requests. Defendant seeks the transcripts and other materials in order to file a motion under 28 U.S.C. § 2255. A § 2255 petitioner in this Court wishing to receive a free transcript must satisfy two conditions. As a preliminary matter, he must be certified to proceed in forma pauperis under 28 U.S.C. § 1915. *United States v. Chambers*, 788 F. Supp. 334, 338 (E.D. Mich. 1992). Next, he must submit a motion for free transcript setting forth specific factual allegations in support of his forthcoming § 2255 motion. *Id.* The Court will examine Defendant's motion to determine whether it is frivolous and whether the requested transcripts are needed to decide the issues to be raised in the § 2255 motion. The Court will then decide whether or not to grant the motion for free transcript. In the instant case, Defendant has not filed an application to proceed in forma pauperis, nor does his motion set forth factual allegations sufficiently specific to enable the Court to determine whether Defendant merits a free transcript.

Accordingly, it is **ORDERED** that Defendant's motion to obtain sentencing transcripts (ECF No. 29) is **DENIED WITHOUT PREJUDICE**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: April 16, 2012

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means and on Wesley Nash, #45338039, FCI Ray Brook, P.O. Box 9005, Ray Brook, New York 12977 by first class U.S. mail on April 16, 2012.

s/Tracy A. Jacobs
TRACY A. JACOBS